

Minneapolis City Planning Department Report

Vacation 1415

Date: October 7, 2003

Applicant: Michael Romens

60-Day Review Decision Date: Not Applicable

Address of Property: 15th Street NE, west of Marshall Street NE.

Contact Person and Phone: Michael Romens 612-327-3350

Planning Staff and Phone: Jim Voll 612-673-3887

Ward: 3 **Neighborhood Organization:** Sheridan

Existing Zoning: The surrounding area is zoned I1 and I2 Industrial.

Comprehensive Plan: This area as is part of the *Above the Falls* study area.

Proposed Use: Open space.

Background: The applicant proposes to vacate this right-of-way to create a buffer between his home and the possible development of the River Run apartments. 15th Street is a “paper” street that leads to Water Street, which is also a “paper” street. Normally when a right-of-way is vacated it is divided equally between adjacent property owners. In this case, based on the original acquisition of the right-of-way, it would accrue entirely to the property owner to the north, Mr. Romens.

Development Plan: No improvements are proposed at this time.

Other Zoning Applications Required: No other approvals are required.

Responses from Utilities and Affected Property Owners: The Minneapolis Department of Public Works recommends denial as the right-of-way may be needed for access to a potential north/south river trail.

The Minnesota Department of Natural Resources and the National Park Service – Mississippi National River and Recreation Area both sent letters commenting on the proposed River Run apartments adjacent and to the south of the proposed vacation. While the majority of the letters comment on the apartments, they both contain recommendations against vacating 15th Street NE in case it is necessary for future river trail access.

The Sheridan neighborhood group has not made a recommendation on this item.

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Planning staff is concerned over the loss of this right-of-way. The right-of-way provides a potential public access to future parkland along the Mississippi River. The *Above the Falls* plan proposes parkland along the east side of the Mississippi River. While there are no plans at this time to create an access to the river at 15th Street, the City should preserve its options should the need develop in the future.

A second concern is that if 15th Street is vacated, then the remaining section of Water Street would be stranded with no access to the street grid. While Water Street is a “paper” street, it is city policy to not create dead ends or stranded portions of right-of-way.

Findings: The City Planning Department finds that the area proposed for vacation is needed for public purpose and that it can not be vacated.

Recommendation of the City Planning Department:

The City Planning Department recommends that the City Planning Commission and the City Council accept the above findings and deny the vacation of 15th Street NE, west of Marshall Street NE.

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(Resolution to be used only if street is vacated)

Schiff

Vacating that part of 58th Street East, east of Clinton Avenue South and west of Diamond Lake.
(Vacation File No. 1401).

Resolved by The City Council of The City of Minneapolis:

That all that part of 58th Street East, east of Clinton Avenue South and west of Diamond Lake is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, Xcel, and Qwest, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporation(s) as follows, to wit:

As to Xcel:

As to Qwest:

***Delete (NOTE: If the City has easements use last two paragraphs, if no City easement, just utilities, use the following paragraph.)

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.